Amendments to the Claims

Claims 1 - 27 were canceled. Claims 28 - 41 were previously presented. Please add new claims 42 and 43.

Listing of the Claims

Claims 1 - 27 (canceled)

28. (Previously presented) An apparatus for placement on a heart of a patient to treat a heart condition characterized at least in part by diastolic expansion of a size of the heart, the apparatus comprising:

(a) a flexible open cell material;

(i) said flexible open cell material being pre-formed in a cone-shaped jacket with a base and an apex;

(A) said base defining an opening sized to receive a heart;

(ii) said cone-shape jacket being sized and adapted to circumferentially surround a heart;

(A) said flexible open cell material being sufficiently flexible to move with expansion and contraction of a heart and such that force on one portion of a heart is transmitted circumferentially through the cone-shaped jacket to another portion of the heart.

29. (Previously presented) An apparatus according to claim 28 wherein:

(a) said material is elastic.

30. (Previously presented) An apparatus according to claim 28 wherein:

(a) said jacket is sized to constrain diastolic expansion beyond a predetermined limit.

31. (Previously presented) An apparatus according to claim 28 wherein:

(a) said material is formed in an open cell construction with a plurality of open cells defined by interconnected, elongated elements.

32. (Previously presented) An apparatus according to claim 28 wherein:

(a) said jacket is sized to be applied to the epicardium of the heart.

33. (Previously presented) An apparatus according to claim 28 wherein:

(a) said jacket is sized to be applied to the pericardium of the heart.

34. (Previously presented) An apparatus according to claim 28 wherein:

(a) said jacket includes a shape memory material.

35. (Previously presented) An apparatus for placement on a heart of a patient to treat a heart condition characterized at least in part by diastolic expansion of a size of the heart, the apparatus comprising:

(a) a flexible open cell material;

(i) said flexible open cell material being pre-formed in a cone-shaped jacket with a base and an apex;

(A) said base defining an opening sized to receive a heart;

(B) said cone-shaped jacket being sized and adapted to surround at least a portion of a heart; and

(C) said flexible open cell material comprising an elastic material that moves with expansion and contraction of a heart.

36. (Previously presented) An apparatus according to claim 35 wherein:

(a) said cone-shape jacket is adapted to circumferentially surround a heart; and

(b) said elastic material is sufficiently flexible to move with expansion and contraction of a heart such that force on one portion of a heart is transmitted circumferentially through the cone-shaped jacket to another portion of the heart.

37. (Previously presented) An apparatus according to claim 35 wherein:

(a) said jacket is sized to be applied to the epicardium of the heart.

38. (Previously presented) An apparatus according to claim 35 wherein:

(a) said jacket is sized to be applied to the pericardium of the heart.

39. (Previously presented) An apparatus according to claim 35 wherein:

(a) said jacket includes a shape memory material.

40. (Previously presented) An apparatus according to claim 35 wherein:

(a) said flexible open cell material has a compliance lower than a compliance of a wall of the heart.

41. (Previously Presented) An apparatus according to claim 35 wherein:

(a) said jacket is sized to constrain diastolic expansion beyond a predetermined limit.

42. (New) An apparatus according to claim 28 wherein:

(a) said material is inelastic.

43. (New) An apparatus according to claim 28 wherein:

(a) said material has a compliance less than a compliance of a wall of the heart.